

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

ROBERT RAY LAWRENCE,

Plaintiff,

vs.

JIM SALMONSON (WARDEN),
TOM WOOD (ASSO. WARDEN),
ROXANNE WIGERT, ALVIN FODE,
GARY REED, and BEN SHUPERT,

Defendants.

CV 18–76–GF–BMM–JTJ

ORDER

United States Magistrate Judge John Johnston entered his Findings and Recommendations in this case on April 22, 2019, recommending that this matter should be dismissed for failure to state a federal claim. (Doc. 16 at 3.) Plaintiff did not object to the Findings and Recommendations and so has waived the right to de novo review thereof. 28 U.S.C. § 636(b)(1)(C). Absent objection, this Court reviews findings and recommendations for clear error. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d

422, 427 (9th Cir. 2000) (citations omitted). Reviewing for clear error and finding none,

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 16) are ADOPTED IN FULL. This matter is DISMISSED for failure to state a federal claim.

IT IS FURTHER ORDERED that the Clerk of Court should be directed to have the docket reflect that the Court certifies pursuant to Rule 24(a)(3)(A) of the Federal Rules of Appellate Procedure that any appeal of this decision would not be taken in good faith. No reasonable person could suppose an appeal would have merit. The record makes plain that Plaintiff's Complaints lack arguable substance in law or fact.

IT IS FURTHER ORDERED that the Clerk of Court is directed to have the docket reflect that this dismissal counts as a strike pursuant to 28 U.S.C. § 1915(g).

DATED this 22nd day of May, 2019.



Brian Morris
United States District Court Judge